

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

|                             |   |                      |
|-----------------------------|---|----------------------|
| Thomas R. Miller            | ) |                      |
|                             | ) |                      |
|                             | ) |                      |
|                             | ) |                      |
| Plaintiff,                  | ) | C.A. No.: 06-349-GMS |
|                             | ) |                      |
| v.                          | ) |                      |
|                             | ) |                      |
|                             | ) | JURY OF 12 DEMANDED  |
| Dr. MAGGIE BAILEY, CMS, and | ) |                      |
| FIRST CORRECTIONAL          | ) |                      |
| MEDICAL INC.                | ) |                      |
| Defendants.                 | ) |                      |

**FIRST CORRECTIONAL MEDICAL INC'S ANSWER**  
**TO THE AMENDED COMPLAINT**

1. Answering defendants are without sufficient information or knowledge to affirm or deny the allegations of this paragraph.
2. Wrongful conduct by answering defendants is denied, and it is denied that any conduct by answering defendants proximately caused any illnesses, injuries, or damages of any nature to plaintiff.
3. Wrongful conduct by answering defendants is denied, and it is denied that any conduct by answering defendants proximately caused any illnesses, injuries, or damages of any nature to plaintiff.

**FIRST AFFIRMATIVE DEFENSE**

1. Plaintiff's Complaint fails to state a claim for which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

2. Plaintiff's complaint is barred by the applicable statute of limitations.

**THIRD AFFIRMATIVE DEFENSE**

3. Plaintiff has failed to exhaust all administrative remedies.

**FOURTH AFFIRMATIVE DEFENSE**


4. Plaintiff has failed to obtain and expert to verify his claims.

**FIFTH AFFIRMATIVE DEFENSE**

5. Plaintiff has failed to plead negligence with specificity.

**WHEREFORE**, defendants First Correctional Medical request that the Complaint against it be dismissed, with prejudice.

**HECKLER & FRABIZZIO**



Daniel L. McKenty  
Attorney for Defendant  
The Corporate Plaza  
800 Delaware Avenue, Suite 200  
P. O. Box 128  
Wilmington, DE 19899-0128  
Attorney for Defendants, First  
Correctional Medical

DATE: December 14, 2007


CERTIFICATE OF SERVICE

I certify that, on this date, one copy of defendants, First Correctional Medical,  
Answer to the Amended Complaint, were served, by mail, on the following individuals:

Thomas R. Miller  
#PRISON ID 144108  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977  
*By Mail*

James Edward Drnec, Esquire  
Balick & Balick, LLC  
711 King Street  
Wilmington, DE 19801

**HECKLER & FRABIZZIO**



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